

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

OCTOBER 17, 2016

HALLIWELL SCHOOL

6:45 P.M.

OPEN FORUM

Burrillville Power Plant

Lorraine Savard, a resident of Central Falls, was present in the hopes that the Town of North Smithfield would support the elimination of the power plant proposed to be built in Burrillville.

Mr. Boucher informed Ms. Savard that a resolution opposing the power plant was on this evening's agenda.

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Speeding and School Signage on Providence Pike

Dennis Falardeau stated that the speeding and posting of school signs that has been discussed at length has not been fully addressed or completed. He blames the Council members for not finishing the job.

POLICE DEPARTMENT EQUIPMENT

Claire O'Hara lives near an area of Woonsocket where a motorcycle

gang operates. She applauded the Council for giving the North Smithfield Police Department the funding for equipment they need to protect the community.

REGULAR MEETING

The meeting began at 7:01 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. Soly, Mr. Zwolenski and Mr. Boucher. Also in attendance was Town Solicitor Igliozi. Councilwoman Nadeau and Town Administrator Hamilton did not attend.

RESOLUTION OPPOSING SITING OF CLEAR RIVER ENERGY CENTER POWER PLANT IN BURRILLVILLE

MOTION by Mr. Boucher, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote to adopt the following resolution: “WHEREAS, On October 29, 2015 Invenergy Thermal Development LLC filed an application to construct the Clear River Energy Center Power Plant in Burrillville, RI with the Rhode Island Energy Facility Siting Board (EFSB); and WHEREAS, In the months since the filing of that application, the Town of Burrillville has conducted an extensive study of the application with and through credentialed professionals, including studies of noise, water, traffic and air quality, and WHEREAS, After considering expert testimony and conducting thorough public hearings the Burrillville Planning Board and Zoning Board of Review have advised the EFSB that Burrillville, RI is not a suitable site for the Clear River Energy Center; and WHEREAS, The

Burrillville Building Inspector and Burrillville Tax Assessor, have also submitted advisory opinions to the EFSB expressing the impact the proposed Clear River Energy Center would have on the Town of Burrillville; and WHEREAS, During the past eleven months, many citizens of Rhode Island, as well as our neighboring communities in Massachusetts and Connecticut, have expressed clear opposition to the siting of the Clear River Energy Center for reasons including the impact on property, environment, water and traffic; and WHEREAS, The North Smithfield Town Council joins with the citizens and officials of the Town of Burrillville as well as residents throughout the State of Rhode Island expressing concerns to the siting of the Clear River Energy Center in Burrillville, RI. NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of North Smithfield, do hereby support the Burrillville Town Council regarding their stand on the siting of the Clear River Energy Center in Burrillville, RI. BE IT FURTHER RESOLVED that this resolution of the North Smithfield Town Council be submitted to the Rhode Island Energy Facility Siting Board for consideration during their hearings on Invenergy Thermal Development LLC's application to construct the Clear River Energy Center power plant in Burrillville, RI."

SLATERSVILLE BRIDGE

Mr. Zwolenski placed this on the agenda because there has been no information forthcoming about the status of the bridge. Town Administrator Hamilton has since issued an update and Mr. Zwolenski has received an email from Michael Hebert of the Rhode

Island Department of Transportation.

LICENSE ADDRESS TRANSFER FOR LINDY'S TAVERN, INC.

Attorney Joseph Raheb represents Lindy's Tavern, Inc. and Ronald Carter. His clients are seeking to acquire the Leclair Kozlik Logan Bassett VFW Post 6342 and renovate it. The owner cannot begin renovations until they own the property and cannot take title until the transfer of their BV liquor license is approved by the Council.

MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. Soly, and voted 4 to 0 on a roll call vote to approve the transfer of the BV liquor license from its current location to what is now known as the Leclair Kozlik Logan Bassett VFW Post 6342 contingent upon the surrendering of the existing club license for the VFW Post and contingent upon zoning and all other requirements being met.

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Mr. Zwolenski also required that all distributors be made current and Mr. Raheb agreed.

MOTION by Mr. Zwolenski, seconded by Mr. Soly and Mr. Boucher, and voted 4 to 0 on a roll call vote to approve the transfer of address for the entertainment and victualing licenses.

FUNDING FOR PURCHASE OF CELLEBRITE MOBILE FORENSICS TECHNOLOGY

Detective Lieutenant Steven Riccitelli was present to answer any questions the Council members had. He explained the training process and his certifications for using the technology. Turnaround time for obtaining information from outside agencies is approximately eight weeks and this can be detrimental to investigations. Part of the annual licensing fee of \$3,300 is because Cellebrite is constantly coming out with updates.

Budget Committee Chair Elizabeth Faricy noted the Budget Committee did not see a problem with this purchase but wondered if some of the other items on the \$80,000 list could be postponed.

Mr. Zwolenski added this is not something that could have been foreseen in the past budget cycle and is a matter of public safety.

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, Mr. Soly and Ms. Alves, and voted 4 to 0 on a roll call vote to take up to \$10,000 out of the Contingency account to purchase the Cellebrite Mobile Forensics Technology.

FUNDING FOR PURCHASE OF NORTH SMITHFIELD POLICE DEPARTMENT EQUIPMENT

After hearing Mrs. Faricy ask if some items could be postponed from the equipment list, Mr. Soly noted that the original request was for one thermal imaging camera and later increased to three. Perhaps it could be cut back to one since the Fire Department also has one.

Mr. Boucher explained different scenarios on why having the three cameras would be better.

MOTION by Ms. Alves, seconded by Mr. Boucher, Mr. Zwolenski and Mr. Soly, and voted 4 to 0 on a roll call vote to supply the North Smithfield Police Department with needed equipment supplied in Chief Reynolds' memo of September 7, 2016 at a cost of \$79,987.04 with funding to come out of the contingency account.

PURCHASE OF ACCIDENT RECONSTRUCTON SOFTWARE

Mr. Boucher asked that this be continued to a later date to enable him to gather more information.

HILLVIEW AVENUE SEWER LINE

Water and Sewer Superintendent Russ Carpenter has found that the least costly way to do this project is with department of public works manpower. This will include two laborers, a truck driver, Assistant Water and Sewer Superintendent Jon MacDonald and Mr. Carpenter.

MOTION by Mr. Boucher, seconded by Mr. Soly, and voted 4 to 0 on a roll call vote to approve Option #4 for this project which is:

DPW alone

20-year repayment

Project cost \$50,000.00

Project interest	8,740.31
Total repayment	\$58,749.31

Total per 1 family home \$ 7,832.04
\$391.60 per year

Total for 1.5 family home \$11,748.06
\$587.40 per year

PUBLIC HEARING NORTH SMITHFIELD POLICE DEPARTMENT CONTRACT

**MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 4 to 0
on a roll call vote to open the public hearing.**

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The Budget Committee, the Town Administrator and the collective bargaining unit of the police department worked on this tentative agreement. Addressed in the proposal is the full complement of the department, the addition of civilian dispatchers, overtime, compensatory time, time off and sick leave, clothing allowance, wage scale and benefits which include life insurance, shift differential, health insurance and longevity.

Mr. Boucher noted that the members of the police department have

not received a salary increase for four years.

Mrs. Faricy commented that the goal was to put together a competitive salary and overall contract in order to keep trained individuals in the town.

Mr. Boucher added that by having civilian dispatchers, additional officers will be available to work on the streets.

Michael Rapko stated The Call published the police department contract and the teachers' contract. There is a big difference between the cost per employee between the two. He questioned where the money will come from to pay for the cost of new dispatchers. Mr. Rapko also spoke about the difference it will cost for other post employment benefits -- approximately \$5 million for the police department and approximately \$2 million for the school teachers. The school department has a good plan moving forward to keep the costs down and they have made good inroads on deductibles.

Both Mr. Zwolenski and Mr. Soly were looking for a cost analysis for having police officers serving as dispatchers versus having civilian dispatchers.

Chief Reynolds had concerns about being compared to the school department. If comparisons of salaries, benefits or responsibilities are made, it should be to another police department, not school

teachers. When the Chief presented his budget to the Budget Committee last winter, dispatchers were discussed at length and at that time he believed the idea was supported by the Budget Committee.

After reading the numbers published in the local newspaper, Gary Ezovski commented that by year two of each contract, the community will be facing an increase of about \$1.6 million and there is a four percent cap in terms of how much money the town can raise. The town has to come up with a policy to deal with both long-term and short-term costs and it has to fall within that four percent cap.

Mrs. Faricy noted that there are items that will free up some money, i.e. bonds will be paid off, streetlights will generate savings.

MOTION by M. Zwolenski, seconded by Mr. Soly and Mr. Boucher, and voted 4 to 0 on a roll call vote to continue the public hearing to November 7, 2016.

SEWER ABATEMENT CREDIT FOR ROCKCLIFF FARM DEVELOPMENT

Attorney Nicholas Goodier, representing RockCliff Farm, LLC, appeared to request an increase to a credit that was originally granted in 2003 for an initial amount of \$245,939.31. This was based upon an estimate made by a Town employee. The actual cost of \$530,156 exceeded the estimate. In mid-November 2015, the Sewer

Commission had voted to deny RockCliff's request based on some issues. Mr. Goodier's clients have worked to respond to those points. The developer paid over half a million dollars to install sewer infrastructure that the town now owns. The developer is now being asked to pay a \$5,200 fee every time a unit connects to the infrastructure. They believe this to be inequitable and question whether the town has the ability to do that. Mr. Goodier is seeking a credit for his client which correlates to the amount spent on the infrastructure and would like them to be treated as equitably as other entities that have come before the Council requesting the same thing.

Mr. Zwolenski noted that the project was sold as a mixed use change to zoning so it could include high density housing as well as an office complex. There does not appear to be an office complex coming any time soon but yet the developer is looking for a credit. This cannot be compared to the sewers for Gator's Pub. Gator's Pub was an existing business that had a failing septic system and along the way there are homes with failing septic systems. RockCliff Farms was a new development. The \$530,000 for sewer improvements is considered the cost of entry to the town. Without sewers the developer could not have had the high density nor would he have received the zone change for mixed use back in 2003.

Mr. Goodier responded that paying for the infrastructure is the cost of entry, but paying to connect is above and beyond. The enabling legislation does not give the town the basis to do that and it is

exceeding its authority.

Mr. Zwolenski was not sure about that statement.

Mr. Igliozi stated the applicant was present because of the Town Council motion that was made on August 18, 2003. The following terms and conditions were made at that time:

1. That the developer shall pay a sewer lot development fee of five thousand, two hundred (\$5,200.00) dollars per unit for seventy-one (71) units, for a total of three hundred sixty-nine thousand, two hundred (\$369,200.00) dollars.

2. The developer shall obtain all necessary permits and be subject to all related fees. The developer shall comply with all rules and regulations of the sewer commission.

3. The project shall meet all specifications and be in strict compliance with all criteria set forth by the sewer commission and the Town's engineers.

4. The sewer board's recommendation is based upon said persons' estimates supplied to the sewer commission, that the project shall be eligible for a credit against the sewer lot development fee, in the amount not to exceed two hundred forty-five thousand, nine hundred thirty-nine dollars and 31/100 (\$245,939.31).

5. All other properties being connected to the subject sewer line shall pay the sewer lot development fee in the sum of five thousand two hundred (\$5,200.00) dollars. All properties serviced by the proposed sewer line shall comply with Section 8-29(c), "abandoning and filling when public sewer becomes available."

6. The developer shall insure that all contractors are properly bonded, in accordance with sewer commission rules and regulations.

The minutes of August 18, 2003 continue to say: "Sewer Commission Chairwoman Linda-Jean Briggs stated it was the consensus of the Sewer Commission that the developer may be entitled to a reduction in the sewer assessment for that portion considered for the public benefit."

The motion was made to approve the sewer extension for RockCliff Farms with the stipulations so noted and also that, no matter what other costs are incurred, the town would be guaranteed a minimum of \$100,000.

Mr. Igliozi commented that the door has been left open for the \$245,000 and the \$369,000 because, as Mr. Goodier said, it was about giving consideration for credit for cost of infrastructure against the connection fees.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to continue this matter to November 21, 2016.

CONSENT AGENDA

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to remove the payment of bills.

PAYMENT OF BILLS

Tammy Boss Settlement

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to approve payment of \$155,000 in regards to the Tammy Boss settlement (an additional, \$25,000 will be paid by the October 17, 2016

Interlocal Risk Management Trust) and to approve payment of the following: General Fund - \$1,916,024.90; Library - \$35,683.00; School Department - \$1,553,518.58; and Fire Department - \$227,554.58 for a total of \$3,887,781.06.

MOTION by Mr. Zwolenski, seconded by Mr. Soly and Mr. Boucher, and voted 4 to 0 on a roll call vote to accept the following: 1.) Town Council minutes of September 19, 2016; 2.) Historic District Commission minutes of January 25, February 22, March 21, April 25, June 1, June 20 and July 25, 2016; 3.) Public Buildings Improvement Commission minutes of August 9 and 22, 2016; 4.) NS Municipal Court monthly report for September 2016; 5.) NSPD monthly report

for September 2016; 6.) Animal Control monthly report for September 2016; 7.) Resolution Supporting the Goals of the RI Energy Challenge from the Town of Barrington; 8.) Resolution Opposing the Siting of the Clear River Energy Center Power Plant in Burrillville from the Town of Burrillville; and 9.) First Quarter 2017 Review of Finances.

AWARD OF BID FOR SALT SHED DEMOLITION

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to award the bid for demolition of the salt shed and removal of debris to Atlantic Abatement (AA) Wrecking Co., Inc. for the amount of \$10,094.00 based upon the recommendations of Department of Public Works Director Raymond Pendergast and Finance Director Jason Parmelee.

Funding for these purchases is available via the adopted FY2017 Operational Budget, to be purchased from Town Capital Outlays line item number 1-001-4814-101, Capital Outlay Town, with an unappropriated Highway Department budget of \$12,100.

UPGRADE TO CURRENT SCADA SYSTEMS

Mr. Soly had questioned if the Council had followed the correct process in approving the funding for the SCADA water and wastewater improvements.

The Budget Committee did not feel they had the authority to oversee the water or sewer budgets.

ABATEMENTS

MOTION by Mr. Boucher, seconded by Mr. Soly, and voted 4 to 0 on a roll call vote to approve a new tax in the amount of \$44.88 for a vehicle that had been taxed in Lincoln but belongs in North Smithfield.

MUNICIPAL BONDS

Payment to D'Ambra Construction for Road Work

It was noted that this payment was approved in the payment of bills.

RESOLUTION RE: HISTORICAL CEMETERY PRESERVATION PROPERTY TAX ABATEMENT

If the Council chooses, Mr. Iglioizzi can draft enabling legislation for this.

Mr. Parmelee questioned who would do oversight of the maintenance to see if the property owner would be eligible for an abatement.

Mr. Soly felt that any homeowner should maintain the cemetery if it is on their property.

Mr. Iglioizzi agreed to look into this.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 4 to 0 on a roll call vote to continue this to November 21, 2016.

APPOINTMENT TO AD HOC ORDINANCE REVIEW COMMISSION

There was no appointment.

APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION

There was no appointment.

APPOINTMENT TO PARKS AND RECREATION COMMISSION

There was no appointment.

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APPOINTMENT TO REDEVELOPMENT AGENCY

There was no appointment.

APPOINTMENT TO CHARTER REVIEW COMMISSION

There was no appointment.

TEMPORARY APPOINTMENT TO SEWER COMMISSION

There was no appointment.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 4 to 0 on an aye vote to adjourn at 9:59 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk